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TRANSNATIONAL ENTERPRISES, INC.  
95 BULLDOG BLVD.  
SUITE 207  
MELBOURNE, FL 32901

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DEC 16 2004

OFFICE OF PETITIONS

In re Application of  
Lee, et al.  
Application No. 09/730,177  
Filed: December 5, 2000  
Attorney Docket No. SO-405

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ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(a),  
filed December 1, 2004, by facsimile, to revive the  
above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be  
submitted within TWO (2) MONTHS from the mail date of this  
decision. Extensions of time under 37 CFR 1.136(a) are permitted.  
The reconsideration request should include a cover letter  
entitled "Renewed Petition under 37 CFR 1.137(a)."

This application became abandoned for failure to timely reply to  
the final Office action mailed May 21, 2004. Accordingly, this  
application became abandoned on August 22, 2004. A Notice of  
Abandonment was mailed on December 1, 2004.

A grantable petition to revive an abandoned application under 37  
CFR 1.137(a) must be accompanied by:

- (1) The required reply, unless previously filed. In a  
nonprovisional application abandoned for failure to  
prosecute, the required reply may be met by the filing of a  
continuing application. In an application or patent,  
abandoned or lapsed for failure to pay the issue fee or any  
portion thereof, the required reply must be the payment of  
the issue fee or any outstanding balance thereof;

(2) The petition fee as set forth in § 1.17(1);

(3) A showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

This petition lacks item (2) above.

The required \$55.00 petition fee has not been submitted. As such, the petition may not be reviewed on the merits at this time and must be dismissed. Please note, effective December 8, 2004, this fee has increased to \$250.00.

Please note, if petitioner wishes to assert non-receipt of an Office action, petitioner should submit a petition under 37 CFR 1.181 to withdraw the holding of abandonment. No fee is required with a petition under 37 CFR 1.181. A petition under 37 CFR 1.181 to withdraw the holding of abandonment should be submitted to Technology Center 3700 and not the Office of Petitions.

Furthermore, please note, the showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

Additionally, the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Further correspondence with respect to the instant petition under 37 CFR 1.137(b) should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  Box 1450  
                  Alexandria, VA 22313

By FAX:           (703) 872-9306  
                  Attn: Office of Petitions

By hand:           Customer Service Window  
                  2011 South Clark Place  
                  Crystal Plaza Two, Lobby, Room 1B03  
                  Arlington, VA 22202

Telephone inquiries should be directed to the undersigned at (571) 272-3228.



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